

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:12-cv-00245-BAH**

LEOPOLD et al v. CENTRAL INTELLIGENCE AGENCY et al Date Filed: 02/14/2012
Assigned to: Judge Beryl A. Howell Date Terminated: 07/25/2012
Cases: 1:10-cv-00202-BAH Jury Demand: None
1:11-cv-00445-BAH Nature of Suit: 895 Freedom of
Cause: 05:552 Freedom of Information Act Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JASON LEOPOLD

represented by **Kelly Brian McClanahan**
National Security Counselors
1200 South Courthouse Road
Suite 124
Arlington, VA 22204
(301) 728-5908
Fax: 240-681-2189
Email: kel@nationalsecuritylaw.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**NATIONAL SECURITY
COUNSELORS**

represented by **Kelly Brian McClanahan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Marina Utgoff Braswell**
US ATTORNEYS OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Room 10-413
Washington, DC 20530
(202) 514-7226
Fax: (202) 514-8780
Email: Marina.Braswell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF DEFENSE

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF ENERGY

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF THE TREASURY

represented by **Marina Utgoff Braswell**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**NATIONAL ARCHIVES AND
 RECORDS ADMINISTRATION**

represented by **Marina Utgoff Braswell**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF THE DIRECTOR OF
 NATIONAL INTELLIGENCE**

represented by **Marina Utgoff Braswell**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 02/14/2012 | <u>1</u> | COMPLAINT against CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Filing fee \$ 350, receipt number 4616046031) filed by NATIONAL SECURITY COUNSELORS, JASON LEOPOLD. (Attachments: # <u>1</u> Civil Cover Sheet)(rdj) (Entered: 02/14/2012) |
| 02/14/2012 | | SUMMONS (9) Issued as to CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, U.S. Attorney and U.S. Attorney General (rdj) (Entered: 02/14/2012) |
| 02/14/2012 | <u>2</u> | NOTICE OF RELATED CASE by JASON LEOPOLD, NATIONAL SECURITY COUNSELORS. Case related to Case No. 10cv202 ; 11cv445. (rdj) (Entered: 02/14/2012) |
| 02/14/2012 | <u>3</u> | NOTICE of Filing of Corrected Complaint by JASON LEOPOLD, NATIONAL SECURITY COUNSELORS re <u>1</u> Complaint, (Attachments: # <u>1</u> Exhibit)(McClanahan, Kelly) (Entered: 02/14/2012) |
| 02/21/2012 | | MINUTE ORDER (paperless) The parties are directed to file, by February 27, 2012, a notice explaining how this case is related to Muttitt v. U.S. Central Command, et al. (10-cv-202) and National Security Counselors v. CIA, et al. (11-cv-445) as indicated in the plaintiffs' <u>2</u> Notice of Related Case. Signed by Judge Beryl A. Howell on February 21, 2012. (lcbah1) (Entered: 02/21/2012) |
| 02/21/2012 | | Set/Reset Deadlines: Notice explaining how this case is related to 10-cv-202 due by 2/27/2012. (alp) (Entered: 02/21/2012) |
| 02/21/2012 | <u>4</u> | NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 10-202, 11-445. (McClanahan, Kelly) (Entered: 02/21/2012) |
| 02/21/2012 | <u>5</u> | STANDING ORDER. Signed by Judge Beryl A. Howell on February 21, 2012. (lcbah1) (Entered: 02/21/2012) |
| 02/22/2012 | <u>6</u> | NOTICE (Proof of Service) by JASON LEOPOLD, NATIONAL SECURITY COUNSELORS (McClanahan, Kelly) (Entered: 02/22/2012) |
| 02/22/2012 | <u>7</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATIONAL SECURITY COUNSELORS (McClanahan, Kelly) (Entered: 02/22/2012) |
| 03/06/2012 | <u>8</u> | NOTICE of Appearance by Marina Utgoff Braswell on behalf of CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES |

| | | |
|------------|-----------|---|
| | | AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Braswell, Marina) (Entered: 03/06/2012) |
| 03/16/2012 | <u>9</u> | Unopposed MOTION for Extension of Time to File Response/Reply <i>to the Complaint</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Braswell, Marina) (Entered: 03/16/2012) |
| 03/19/2012 | | MINUTE ORDER (paperless) granting <u>9</u> Defendants' Unopposed Motion for Enlargement of Time. The defendants shall respond to the Complaint by March 30, 2012. Signed by Judge Beryl A. Howell on March 19, 2012. (lcbah1) (Entered: 03/19/2012) |
| 03/19/2012 | | Reset Deadlines: Defendant's response to the complaint shall be filed by 3/30/2012. (tj) (Entered: 03/19/2012) |
| 03/26/2012 | <u>10</u> | Unopposed MOTION for Extension of Time to File Response/Reply <i>to the Complaint</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Braswell, Marina) (Entered: 03/26/2012) |
| 03/26/2012 | | MINUTE ORDER (paperless) granting <u>10</u> Defendants' Unopposed Motion for Further Enlargement of Time. The defendants shall respond to the Complaint by April 30, 2012. Signed by Judge Beryl A. Howell on March 26, 2012. (lcbah1) (Entered: 03/26/2012) |
| 03/29/2012 | | Set/Reset Deadlines: Answer due by 4/30/2012. (zmm,) (Entered: 03/29/2012) |
| 04/26/2012 | <u>11</u> | Unopposed MOTION for Extension of Time to File Response/Reply <i>to the Complaint</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Braswell, Marina) (Entered: 04/26/2012) |
| 04/27/2012 | | MINUTE ORDER (paperless) granting <u>11</u> Defendants' Unopposed Motion for Further Enlargement of Time. The defendants shall have until May 31, 2012 to respond to the plaintiffs' Complaint. Signed by Judge Beryl A. Howell on April 27, 2012. (lcbah1) (Entered: 04/27/2012) |
| 05/22/2012 | <u>12</u> | Unopposed MOTION for Extension of Time to File Response/Reply <i>to the Complaint</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Braswell, Marina) (Entered: 05/22/2012) |
| 05/22/2012 | | MINUTE ORDER (paperless) granting <u>12</u> Defendants' Unopposed Motion for Further Enlargement of Time. The defendants shall respond to the plaintiffs' Complaint by June 29, 2012. Signed by Judge Beryl A. Howell on May 22, 2012. (lcbah1) (Entered: 05/22/2012) |
| 06/25/2012 | <u>13</u> | Unopposed MOTION for Extension of Time to File Response/Reply <i>TO THE cOMPLAINT</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Braswell, Marina) (Entered: 06/25/2012) |
| 06/25/2012 | | MINUTE ORDER (paperless) granting <u>13</u> Defendants' Unopposed Motion for Further Enlargement of Time. The defendants shall have until July 9, 2012 to respond to the plaintiffs' Complaint. Signed by Judge Beryl A. Howell on June 25, 2012. (lcbah1) (Entered: 06/25/2012) |

| | | |
|------------|-----------|--|
| 06/25/2012 | | Set/Reset Deadlines: Answer due by 7/9/2012. (alp) (Entered: 06/26/2012) |
| 07/09/2012 | <u>14</u> | MOTION to Dismiss <i>Or, In the Alternative</i> , MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Attachments: # <u>1</u> Declaration / FBI, # <u>2</u> Declaration /Supplemental FBI, # <u>3</u> Declaration /Supplemental FBI, Exhibits, # <u>4</u> Declaration /NARA, # <u>5</u> Declaration /NARA, Attachment, # <u>6</u> Declaration /ODNI, # <u>7</u> Declaration /CIA, # <u>8</u> Declaration /DOD, # <u>9</u> Declaration /DOE, # <u>10</u> Declaration /Treasury)(Braswell, Marina) (Entered: 07/09/2012) |
| 07/12/2012 | <u>15</u> | Consent MOTION to Amend/Correct <u>14</u> MOTION to Dismiss <i>Or, In the Alternative</i> , MOTION for Summary Judgment by <i>Sealing the First 3 Attachments to Defendants' Motion</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Braswell, Marina) (Entered: 07/12/2012) |
| 07/13/2012 | | MINUTE ORDER (paperless) granting <u>15</u> Defendants' Consent Motion to Seal Documents Filed at Dkt. # 14. The three requested documents, [14-1], [14-2], and [14-3] shall remain sealed until the defendants refile those documents in a form that is suitable for inclusion in the public docket. The defendants shall refile these three documents by July 18, 2012. Signed by Judge Beryl A. Howell on July 13, 2012. (lcbah1) (Entered: 07/13/2012) |
| 07/13/2012 | | Set/Reset Deadlines: Defendant's to refile redacted form of the documents sealed under docket entry <u>14</u> by 7/18/2012. (tg,) (Entered: 07/13/2012) |
| 07/18/2012 | <u>16</u> | NOTICE of Filing of Redacted Exhibits re <u>14</u> MOTION to Dismiss <i>Or, In the Alternative</i> , MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF THE TREASURY, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Attachments: # <u>1</u> Hardy Declaration, Redacted, # <u>2</u> Second Hardy Declaration, Redacted)(Braswell, Marina) Modified on 7/20/2012 to add linkage(rdj). (Entered: 07/18/2012) |
| 07/25/2012 | <u>17</u> | NOTICE of Voluntary Dismissal by All Plaintiffs (McClanahan, Kelly) (Entered: 07/25/2012) |
| 07/25/2012 | | MINUTE ORDER (paperless) In light of the <u>17</u> Notice of Voluntary Dismissal filed by the plaintiffs on July 25, 2012, the plaintiffs' Complaint is DISMISSED without prejudice. The Clerk is directed to close this case. Signed by Judge Beryl A. Howell on July 25, 2012. (lcbah1) (Entered: 07/25/2012) |